

Draftsman. In addition, formal drawings incorporating the proposed corrections are also submitted.

The Examiner further objected to the disclosure stating that Fig. 6 on page 11, line 11 should be "Fig. 7." The appropriate correction has been made. Upon further review of the disclosure, it was also noticed that on page 11, line 26, top bearing races 164 were inadvertently identified as "top bearing 164." It was further noticed that on pages 12-14, line 29 and page 13, line 5, top bearing races 164 were inadvertently labeled with reference numerals 186. To correct these inadvertent errors, page 11, line 26 is amended to replace "top bearing 164" with --top bearing race 164-- and pages 12-14 are amended to replace reference numeral 186 with reference numeral 164. The redundant paragraph on page 14 has also been deleted. No new material has been added.

II. REJECTION UNDER 35 U.S.C. § 112

The Examiner further rejected claims 1 and 2 under 35 U.S.C. § 112 as being indefinite. In particular, the Examiner asserts that "wrapping" should be changed to --winding-- and that --the-- should be inserted before "flexible" in claim 1. In addition, the Examiner is unclear as to what is meant by "managing". In response, "wrapping" is changed to --winding--, --the-- is inserted before "flexible", and "managing" is deleted in claim 1. Claims 1 and 2, as amended, overcome the Examiner's rejection based on 35 U.S.C. § 112.

III. REJECTION UNDER 35 U.S.C. § 103 BASED ON HARRILL

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 103 as being unpatentable over Harrill U.S. Pat. 4,244,536. Independent claim 1 is amended. Dependent claims 12-16 are added. Independent claim 1, as amended, overcomes the Examiner's rejection based upon Harrill. Dependent claims 2 and 12-16 depend from independent claim 1 and are patentably distinct over Harrill and the art of record.

Independent claim 1, as amended, is directed to a device for storing an elongate flexible member which includes a container, a spool disposed within the container, a foot plate, a retainer and means for rotating the spool within the container. The container includes a base, a side wall and a first access hole. The spool includes a bottom which rests upon the base of

the container. Because the spool merely rests upon the base, the spool may be rotated within the container and may also be easily lifted and removed from the container. This feature is critical in a working environment where the insides of the container and the spool are likely to become contaminated with dirt, mud, grease, and other contaminants which prevent the spool from being easily rotated, which soil the elongate flexible member and which decrease the overall operational safety of the container. Because the spool can be easily removed, the container, spool and elongate flexible member can be easily cleaned and conditioned.

The foot plate is secured to the base of the container and includes mounting holes which extend through the foot plate. The mounting holes permit the container containing the spool to be mounted adjacent a structure such as a wall. The retainer is releasably coupled to the container and holds the spool within the container when the device is mounted to a structure such as a side wall. Because the retainer is coupled to the container, the retainer may be easily removed to permit the spool to be withdrawn from the container for cleaning and conditioning the container, the spool and the elongate flexible member.

Harrill fails to disclose, teach or suggest a device including a spool which merely rests within a container so that the spool may be lifted and removed from the container for cleaning and conditioning. Furthermore, Harrill also fails to show or suggest a retainer releasably coupled to the container for holding the spool within the container. In contrast, spool 28,30 of Harrill is rotatably mounted within housing 12 with threaded fastener 54. As a result, spool 28,30 of Harrill cannot be easily lifted and removed from the container. Thus, cleaning and conditioning of the container, the spool and the flexible member requires additional tools and time.

Moreover, Harrill also fails to disclose or suggest a retainer releasably coupled to the container for holding the spool within the container. The Examiner referred to the threaded fastener 54 as constituting a "retainer". However, threaded fastener 54 is not releasably coupled to the container. In contrast, threaded fastener 54 is affixed to container 12 by a nut (not referenced). Unscrewing the nut to the remove threaded fastener 54 results in spool 28,30 falling apart into spool sections 28,30 and results in extension cord 80 becoming

unwound and tangled. Thus, threaded fastener 54 must remain secured to container 54. Consequently, spool 28,30 cannot be removed from container 12 by merely uncoupling the retainer to permit the spool to be lifted from the container. The Examiner further asserted that Harrill discloses a foot plate having mounting holes. The Examiner stated that although Harrill fails to disclose the plate being secured to the base of the container, it would be obvious matter of design choice to secure "foot plate" 64 to the base of the container. However, Harrill does not disclose a foot plate having mounting holes. Harrill merely shows an integral handle 64 extending from the upper portion of housing 12. Handle 64 is located opposite the base of container 12 and legs 66,68 for the purpose of carrying the extension cord reel in a vertical orientation. Thus, no motivation exists for securing handle 64 to or adjacent to legs 66 and 68. Moreover, securing handle 64 adjacent to legs 66 and 68 would prevent legs 66 and 68 from supporting container 12. Thus, it is not obvious nor feasible to secure handle 64 of the base of container 12 of Harrill. Independent claim 1 overcomes the Examiner's rejection based upon Harrill and is in condition for allowance. Claims 2 and added claims 12-16 depend from independent claim 1 and are also in condition for allowance.

IV. PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

The Examiner additionally provisionally rejected claim 1 under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentably over claim 19 of co-pending appln. SN 08/049,733. The Examiner asserts that it would be obvious to one of ordinary skill in the art to provide a foot plate with holes so that the device can be conveniently hung for storage. The Examiner asserts that it would be obvious to provide a retainer to retain the spool within in the container so that the spool does not fall out. Claim 1 is amended to cite "a retainer releasably coupled to the container for holding the spool within the container." (Emphasis added). In addition, claim 1 also recites a "foot plate secured to the base of the container, the foot plate including mounting holes which extend through the foot plate." As discussed above, neither feature is disclosed, taught or suggested by Harrill or by the prior art made of record. Harrill fails to disclose a retainer releasably coupled to the container. Moreover, Harrill does not show a foot plate including mounting holes which is secured to the

base of the container. In addition, none of the other references made of record by the Examiner disclose, teach or suggest a retainer releasably coupled to the container or a foot plate with mounting holes secured to the base of the container. In contrast, each of the references made of record merely show a handle or a bracket secured opposite the base and show a retainer, if any, permanently fixed to each container. Thus, it would not be obvious to a person having ordinary skill in the art to provide a foot plate with holes and a retainer releasably coupled to the container. The Examiner's provisional rejection under the judicially created Doctrine of Obviousness-Type Double Patenting is improper and should be withdrawn.

V. CONCLUSION

With this Amendment, claim 1 is amended and claims 12-17 are added. Based upon the above remarks and amended claims, it is believed that claims 1-2 and 12-17 are patentably distinct over the prior art of record. Reconsideration and allowance of the above claims are respectfully requested.

Respectfully submitted,

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